



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes MNR, OPR

Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- an order of possession for unpaid rent pursuant to section 55; and
- a monetary order for unpaid rent pursuant to section 67.

The tenant did not attend this hearing. The landlord attended the hearing and was given a full opportunity to be heard, to present affirmed testimony, to make submissions and to call witnesses.

Preliminary Issue – Service of Application

The landlord testified that on August 18, 2016 she forwarded the landlord's application for dispute resolution hearing package via x-press post mail to the tenant. The landlord provided a Canada Post receipt and tracking number as proof of service.

Section 89 of the *Act* establishes that when a landlord serves an application for dispute resolution pertaining to a monetary order it must be served by leaving it directly with the tenant or by registered mail. Residential Tenancy Policy Guideline # 12 "Service Provisions," defines registered mail as any method of mail delivery provided by Canada Post that confirms delivery to a named person. Although x-press post is provided by Canada Post and confirms delivery, this method does not confirm delivery to a named person.

Based on the landlord's testimony that the application was sent via x-press post and in the absence of an application for substituted service, I find that the landlord has not served the application for dispute resolution to the tenant as required under the *Act*.

Conclusion

I dismiss the landlord's entire application with leave to re-apply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: October 06, 2016

Residential Tenancy Branch

